

ORDINANCE OF THE HOOPA VALLEY TRIBE
HOOPA INDIAN RESERVATION
HOOPA, CALIFORNIA

ORDINANCE NO: 12-98

DATE APPROVED: June 8, 1998

SUBJECT: APPROVAL OF THE TRIBAL SMALL BUSINESS INCENTIVE PROGRAM CODE, TITLE 59 OF THE HOOPA TRIBAL CODE.

WHEREAS: The Hoopa Valley Tribe did on June 20, 1972, adopt a Constitution and Bylaws which was approved by the Commissioner of Indian Affairs on August 18, 1972, ratified by Act of Congress on October 31, 1988, and amended on June 19, 1990 and, by tribal law, the sovereign authority of the Tribe over the matter described herein is delegated to the Hoopa Valley Tribal Council, acting by law, and

WHEREAS: Article IX of the Constitution authorizes the Hoopa Valley Tribal Council to promulgate and enforce ordinances to regulate the conduct of commerce within the Tribe's jurisdiction, and

WHEREAS: The Tribal Council has identified business development and job creation as major goals of the Tribe, and that said goals are consistent with the Tribe's priorities of maintaining a strong, self-governing and stable society.

NOW THEREFORE BE IT RESOLVED: The Hoopa Valley Tribal Council hereby enacts the Tribal Small Business Incentive Program Code as Title 53 of the Hoopa Tribal Code.

TITLE 59 -- TRIBAL SMALL BUSINESS INCENTIVE PROGRAM CODE

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TITLE 59 — TRIBAL SMALL BUSINESS INCENTIVE PROGRAM CODEGENERAL PROVISIONS

59.101. Short Title.

This Title may be cited as the Tribal Small Business Incentive Program Code.

59.102. Purpose.

Small business provides an essential component to the self-sustaining economy of the Hoopa Valley Indian Reservation. Therefore, it is the policy of the Tribal Council to facilitate, promote and assist the development and maintenance of small businesses. The purpose of the Tribal Small Business Incentive Program is to assist Tribal members and local residents to start-up, maintain and expand small businesses within the exterior boundaries of the Reservation.

59.103. Establishment of the Tribal Small Business Incentive Program, Limitations of Obligation.

1. There is hereby established the Tribal Small Business Incentive Fund Program (Program) or the purpose of providing capital and startup funds for establishing, maintaining and expanding small business for the Reservation. It is the policy of the Tribe to appropriate an amount of funds equivalent to fifty percent (50%) of the amount of the amount of funds that are provided to Tribal economic development projects. Funds may be appropriated each year by the Tribal Council during its annual budget process for the purposes and consistent with the provisions of this Title.
2. The functions authorized under this Title do not obligate the Tribe to provide any functions or obligations beyond those established each year upon approval of the Tribal Annual budget.

59.104. Amount of Tribal Contribution from Program.

1. Subject to the availability of funds for this Program, the Tribe may provide up to 50%, not to exceed

\$50,000, match the amount of personal contributions in their business venture. Personal contributions may be derived from the amount of actual funds contributed, in-kind investments, and documented personal equity that has been invested in a legitimate business venture. In no case is the Tribe authorized to contribute more than \$50,000 to any participant or business.

1. Annual Program funds will be distributed on a first-come first-serve basis, taking into consideration the amount of applicants and funds available. In the event that insufficient funding levels are adequate to serve all qualified applicants, the Tribal Department of Commerce may develop distribution criteria which takes into consideration such things as the amount of available funds, the level of need for each prospective participant, the amount of alternative resources available, and other factors that may impact a prospective participant's level of need.
2. Notwithstanding a 50% match by a prospective participant, the Tribe or Department of Commerce is under no obligation to provide the total amount of funds requested, and such amount may be reduced to accommodate funding limitations and other factors that may impact the Program.

59.105. Administration of the Tribal Small Business Incentive Fund.

The Program shall be administered by the Tribal Department of Commerce. The Department of Commerce shall develop regulations for implementation of the Program that are consistent with the provisions of this Title, subject to approval by the Tribal Council.

59.106. Participation in the Tribal Small Business Incentive Fund Program.

1. The loan application for the Tribal EDA Title IX Revolving Loan Fund guidelines are hereby designated as the application form for the Program. Each prospective participant must submit a completed loan application package to be eligible to participate in the Program, provided that no loan application submitted more than 6 months before the Program approval date shall not be eligible for consideration.
2. Any business operating pursuant to the Tribal Comprehensive Business Codes, and that meets the requirements of the Program, and which is operating within the boundaries of the Hoopa Valley Indian Reservation is eligible to receive financial assistance from the Program.
3. The participant and/or business must not have received funds from the Program for a period of 5 years prior.

59.107. Tribal Small Business Incentive Fund Eligibility Requirements.

To become eligible to receive funds from the Program, a prospective participant must meet each of the following requirements:

1. The participant must file with the Department of Commerce a completed application form which contains, among other things, a detailed business plan;
2. The prospective participant must document that the 50% sharing match has been met;
3. The participant must enter into a contract with the Hoopa Valley Tribe which commits the business to accomplish the goals set forth in the business plan;
4. That obligates the participant to repay Program funds in accordance with the terms of this Title upon sale of the business; and
5. That certifies that the participant and/or business has not received funds from the Program for the same or similar purpose or received a total amount of \$50,000 from the Program for the past five (5) years.

59.108. Tribal Small Business Incentive Fund Repayment Contract.

Every recipient of funds from the Program is required to sign a contract, as provided in this Title, prior to

receiving funds from the program.

1. Business Failure Repayment Schedule.

1. If the business fails within the first year, the participant shall repay the Program an amount equivalent to eighty percent (80%) of the total amount received.
2. If the business fails the second year, the participant shall repay the Program an amount equivalent to sixty percent (60%) of the total amount received.
3. If the business fails the third year, the participant shall repay the Program an amount equivalent of forty percent (40%) of the total amount received.
4. If the business fails fourth year, the participant shall repay the Program an amount equivalent of twenty percent (20%) of the total amount received.
5. If the business continues to operate into and beyond the fifth year, the participant is not required to repay any funds received from the program, except as provided in (b).

2. Repayment Upon Sale of Business.

In the event of a sale of a business that received funds from the Program, the participant shall pay to the program the amount of funds received.

59.109. Enforcement.

The Tribal Court shall enforce the provisions of this Code, consistent with its terms and other applicable tribal laws.

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59.110. Savings Clause.

In event that any provision of this chapter shall be found or declared to be invalid, the remaining provisions of this Chapter shall be unaffected thereby, and shall remain in full force and effect.

C E R T I F I C A T I O N

I, the undersigned, as Chairman of the Hoopa Valley Tribal Council do hereby certify that the Hoopa Valley Tribal Council, composed of eight members, of which five were present constituting a quorum at a regular meeting thereof; duly and regularly called, noticed, and convened, and held this eighth day of June, 1998; and that this Ordinance was duly adopted by a vote of four for and none against, and that said ordinance has not been rescinded or amended in any way.

DATED THIS 8th DAY OF JUNE, 1998.

MERV GEORGE, JR., CHAIRMAN

HOOPA VALLEY TRIBAL COUNCIL

ATTEST: _____

DARCY BALDY, EXECUTIVE SECRETARY

HOOPA VALLEY TRIBAL COUNCIL

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